

A P P E N D I X "A"

S.D.N.Y.-N.Y.C.
93-cr-181
00-cv-8383
Preska, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of November, two thousand eighteen.

Present:

Robert A. Katzmann,
Chief Judge,
Guido Calabresi,
Raymond J. Lohier, Jr.,
Circuit Judges.

In re El-Sayyid Nosair

El-Sayyid Nosair,

Petitioner,

v.

United States of America,

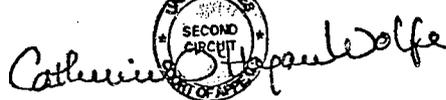
Respondent.

18-2516

Petitioner seeks "review" or an "extraordinary writ," in forma pauperis status, and to "buttress" his petition. Upon due consideration, it is hereby ORDERED that the motions for in forma pauperis status and to buttress are GRANTED, and the petition is DENIED because he has not shown that he is entitled to relief. See *United States v. Richter*, 510 F.3d 103, 104 (2d Cir. 2007); *Fleming v. United States*, 146 F.3d 88, 89-90 (2d Cir. 1998). Any challenge to the conviction should be brought, if at all, under 28 U.S.C. § 2255(h).

Appendix "A"

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court




A P P E N D I X "B"

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 30th day of January, two thousand and nineteen,

Present: Robert A. Katzmann,
Chief Judge,
Guido Calabresi,
Raymond J. Lohier, Jr.,
Circuit Judges.

In Re: El-Sayyid Nosair

ORDER
Docket No. 18-2516

El-Sayyid Nosair,

Petitioner,

v.

United States of America,

Respondent.

Petitioner filed a motion for reconsideration and the panel that determined the motion has considered the request.

IT IS HEREBY ORDERED, that the motion is denied.

Appendix "B"

For The Court:
Catherine O'Hagan Wolfe,
Clerk of Court




A P P E N D I X "C"

212-631-0040

5/1/12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

vs.

Case Number: S5 93 Cr. 181(MBM) (13)

EL SAYYID NOSAIR, a/k/a
"Abu Abdallah," a/k/a
"El Sayyid Abdul Azziz,"
a/k/a Victor Noel Jafry"

(Defendant's Name)

Roger Stavis
Attorney's Name

THE DEFENDANT:

XX pleaded guilty to count(s) _____
was found guilty on count(s) 1, 7, 8, 9, 10, 11, 12, 13, & 14 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s) which involve the following offenses:

<u>TITLE SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>DATE OF OFFENSE</u>	<u>COUNTS</u>
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PLEASE SEE ATTACHED RIDER

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. AUSAs ANDREW MCCARTHY & PATRICK FITZGERALD

XXX The defendant has been found not guilty on count five and is discharged as to that count.

XX It is ordered that the defendant shall pay a special assessment of \$ 450.00, for count(s) 1, 7, 8, 9, 10, 11, 12, 13 & 14, which shall be due XX immediately _____ as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 165-62-8059
Defendant's Date of Birth: 11/16/55

January 17, 1996
Date of Imposition of Sentence

Defendant's Address:
UNDOMICILED

[Signature]
Signature of Judicial Officer

Michael B. Mukasey, U.S.D.J.
Name & Title of Judicial Officer

DATE: January 17, 1996

Certified True Copy by: [Signature]
Deputy Clerk

Exhibit # 1

STATEMENT OF REASONS

XXX The court adopts the factual findings and guideline application in the presentence report.

OR

 The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 48

Criminal History Category: I

Imprisonment Range: Life

Supervised Release Range: 3 to 5 years

Fine Range: \$ 25,000.00 to \$ 250,000.00

 XXXX Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

 Full restitution is not ordered for the following reason(s):

 The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

 XXXX The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons(s): The evidence at trial showed that the defendant was an major participant in a conspiracy to wreak vast destruction in this country, that he committed a murder in aid of the large conspiracy, that he had foreknowledge of and helped to promote the World Trade Center bombing, and that he was a central player.

OR

The sentence departs from the guideline range

 upon motion of the government, as a result of defendant's substantial assistance.

 for the following reasons(s):

96-1044 (L)

96-1044(L), 96-1045, 96-1060, 96-1061, 96-1062,
96-1063, 96-1064, 96-1065, 96-1079, 96-1080

In The
United States Court of Appeals
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee.

-against-

SIDDIG IBRAHIM SIDDIG ALI; LNU1-93CR0181-010; EARL GANT,
aka Abd Rashid, aka Abd Jalil; MOHAMMED ABOUHALIMA; ABDO
MOHAMMED HAGGAG, aka Abdel Al-Rahman,

Defendants,

IBRAHIM A. ELGABROWNY; EL SAYYID NOSAIR aka, Abu
Abdallah, aka El Sayyid, Abdul Azziz, aka Victor Noel Jafry; TARIG
ELHASSAN; CLEMENT RODNEY HAMPTON-EL, aka Abdul Rashid
Abdullah, aka "Doctor Rashid"; AMIR ABDELGANI, aka Abdou Zaid;
FADIL ABDELGANI; VICTOR ALVAREZ; OMAR AHMAD ALI
ABDEL RAHMAN, aka Omar Ahmed Ali, aka Omar Abdel Al-Rahman,
aka Sheik Rahman, aka "The Sheik", aka Sheik Omar; MOHAMMED
SALEH, aka Mohammed Ali; FARES KHALLAFALLA, aka Abodou Fares,

Defendants-Appellants.

*On Appeal From a Judgment of the United States
District Court for the Southern District of New York.*

BRIEF FOR DEFENDANT-APPELLANT
El Sayyid Nosair

ROGER L. STAVIS

*Attorney for Defendant-Appellant
El Sayyid Nosair*

The Woolworth Building
233 Broadway, 38th Floor
New York, New York 10279
(212) 374-1700

Of Counsel:
Andrew G. Patel

EXHIBIT 2 A

SW

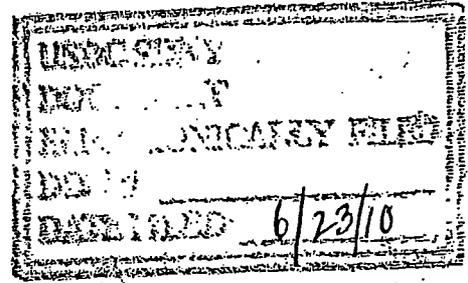
St. Louis West, Inc.
NY (212) 684-3117 NJ (201) 863-8133

(5825)

THE VERDICT

On October 1, 1995, the jury returned a verdict of "guilty" against El Sayyid Nosair on the charges of seditious conspiracy, murder in aid of racketeering, assault in aid of racketeering, attempted murder in aid of racketeering, attempted murder of a federal officer, use of a firearm in connection with a crime, and possession of a firearm with a defaced serial number. The jury returned a "not guilty" verdict against Mr. Nosair on count five, which charged him with the crime of conspiracy to bomb. Co-defendant Ibrahim El-Gabrownny was also found "not guilty" of the count charging conspiracy to bomb. All other defendants were convicted of all other charges contained in the indictment which pertained to them, including seditious conspiracy, conspiracy to bomb and attempted bombing. El Sayyid Nosair was sentenced to a term of life imprisonment and is presently incarcerated pursuant to that sentence.

UNITED STATES FOR THE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
EL-SAYYID NOSAIR,

Petitioner,

-against-

ORDER

~~UNITED STATES OF AMERICA~~

00 Civ. 8383 (RJH)(KNF)

Respondent.
-----x

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

In this action, El-Sayyid Nosair ("Nosair") moves, pursuant to 28 U.S.C. § 2255, to vacate, correct, or set aside his January 1996 sentence. In August 2000, Nosair filed an application for court-appointed counsel, pursuant to the Criminal Justice Act of 1964 ("CJA"), 18 U.S.C. § 3006A(g). In October 2000, his application was granted. According to the docket sheet for the action bearing docket number 93 Crim. 181, in October 2000, Andrew G. Patel ("Patel") was appointed to represent Nosair in connection with his 28 U.S.C. § 2255 motion.

In March 2002, an order was entered, on the docket sheet for the action bearing docket number 93 Crim. 181. The order notes that, based upon an application made by Nosair, in which he established good cause for his request, Ronald Garnett ("Garnett") was appointed, under CJA, to represent Nosair in connection with his 28 U.S.C. § 2255 motion.

The records for the actions bearing docket numbers 93 Crim. 181 and 00 Civ. 8383 do not indicate that either Patel or Garnett has been relieved, as counsel to Nosair, by court order. See S.D.N.Y. Revised Plan for Furnishing Representation Pursuant to the Criminal Justice Act ("CJA Plan") § VIII(a). Although Patel and Garnett were both afforded an opportunity to inform the Court

whether a court order exists releasing either from his obligation and duty to represent Nosair, neither attorney has identified such an order. This case has remained stagnant for approximately ten years.

During this time, Patel and Garnett were both assigned to represent Nosair; yet, aside from an affidavit filed by Patel, in 2000, the court's docket sheets (for the actions bearing docket numbers 93 Crim. 181 and 00 Civ. 8383) establish that neither attorney took any action in relation to Nosair's 28

U.S.C. § 2255 motion.

Like § VIII(a) of the court's CJA Plan, Local Civil Rule 1.4 of this court, which applies to the case bearing docket number 00 Civ. 8383, limits the ability of an attorney of record to disassociate himself from a pending action. It provides: "An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar." Therefore, unless and until an order is entered relieving Patel or Garnett from his representation obligation to Nosair, both attorneys continue as Nosair's counsel. Contrary to the beliefs of Garnett and Patel, expressed in written submissions each made to the Court, events such as a client filing a motion for "change of counsel," or the appointment of additional counsel, do not operate, automatically, to release counsel from the obligation of representing a court-assigned client.

The Court has considered a document, submitted by Nosair, entitled "Petitioner's (Defendant's) Open Memorandum to the Court," dated May 4, 2010. In this writing, Nosair states that, despite Patel's recent interest in representing him, "it is not practical, ethical, or otherwise, that counsel Patel can or should be appointed in this matter," noting an "inherent conflict of interest between the Defendant and Counsel Patel." According to Nosair, he wishes to raise an ineffective

UNITED STATES FOR THE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3/21/11

EL-SAYYID NOSAIR,

Petitioner,

-against-

UNITED STATES OF AMERICA

Respondent.

ORDER

00 Civ. 8383 (RJH)(KNF)

93 Cr. 181-13 (MBM)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

An evidentiary hearing will be held on April 27, 2011, at 10:00 a.m., in Courtroom 9B, to address the petitioner's "contention that the government committed prosecutorial misconduct and violated his due process rights by failing to reveal its connection with" Ali Mohamed, thus warranting that his conviction be set aside. See 28 U.S.C. § 2255.

Dated: New York, New York
March 21, 2011

SO ORDERED:

Kevin Nathaniel Fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

Mailed copies to:

Marjorie M. Smith, Esq.
Michael D. Lockard, Esq.

EXHIBIT # 6

Mr. El-Sayyid Nosair, #35074-054
U.S. Penitentiary Allenwood
P.O. Box 3000
White Deer, PA 17887-3000

April 24, 2019

Office of The Clerk
Supreme Court of The United States
Washington, D.C. 20543

Re: In Re: El-Sayyid Nosair
Case No. 18-2516 (0208-1:00-cv-8383; 12-3756)

Dear Clerk,

Enclosed please find my writ of certiorari relating
to the above reference matter for filing. Thank you.

cc: file

Certified Mail with Return Receipt:

7018 0360 0001 6677 4491

Respectfully yours,

Nosair

El-Sayyid Nosair--Pro se.

